

# SENATE BILL REPORT

## SB 5016

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As Reported by Senate Committee On:  
Transportation, February 2, 2011

**Title:** An act relating to operating a motor vehicle while smoking.

**Brief Description:** Prohibiting smoking in vehicles containing children.

**Sponsors:** Senators White, Shin, Kohl-Welles and Prentice.

**Brief History:**

**Committee Activity:** Transportation: 1/26/11, 2/02/11 [w/oRec-HEA, DNP].

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### SENATE COMMITTEE ON TRANSPORTATION

**Majority Report:** That it be referred without recommendation and be referred to Committee on Health & Long-Term Care.

Signed by Senators Haugen, Chair; White, Vice Chair; King, Ranking Minority Member; Ericksen, Hill, Hobbs, Nelson, Ranker and Swecker.

**Minority Report:** Do not pass.  
Signed by Senator Delvin.

**Staff:** Amanda Cecil (786-7429)

**Background:** Current law includes a number of provisions regulating children in cars, including RCW 46.61.685 which states that it is a misdemeanor to leave a child unattended in a running car, and RCW 46.61.687 which requires the use of car seats for children under the age of eight years. There are currently no laws regulating smoking in cars when children are present.

**Summary of Bill:** It is a traffic infraction for a person to smoke in a car with a person that is under the age of 18 years. Law enforcement may only enforce this law as a secondary infraction, which means that the driver must first be suspected of a violation of another rule of the road or local ordinance. For the first six months this may only be enforced by law enforcement as a verbal warning.

An infraction for smoking in a car with a minor does not become a part of the driver's records and is not made available to insurance companies.

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Committee/Commission/Task Force Created:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Staff Summary of Public Testimony:** PRO: Children that are exposed to second-hand smoke are much more likely to contract a myriad of health problems. This bill will help limit children's exposure to second-hand smoke.

**Persons Testifying:** PRO: John Wheeler III, Associated Students of the University of Washington-Tacoma; Heidi Henson, Tobacco-Free Alliance of Pierce County; Mary Selecky, Secretary of Health; Meghan Sullivan, Together, Washington Association of Substance Abuse and Violence Prevention.